

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

|   |   |                                       |
|---|---|---------------------------------------|
| <b>DAN J. QUALE,</b>                        | : |                                       |
| <b>Plaintiff,</b>                           | : |                                       |
| <b>v.</b>                                   | : | <b>CIVIL ACTION NO.: 09-0519-CG-M</b> |
| <b>UNIFUND CCR PARTNERS, <u>et al.</u>,</b> | : |                                       |
| <b>Defendants.</b>                          | : |                                       |

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and entered on January 28, 2010, (Doc. 36) is **ADOPTED** as the opinion of this court. It is **ORDERED** that Defendant National City Bank NA's Motion to Dismiss (Doc. 24) is **GRANTED**. It is further **ORDERED** that Plaintiff's Complaint be and is hereby **DISMISSED** without prejudice as to Defendant National City Bank, NA.

**DONE and ORDERED** this 30<sup>th</sup> day of March, 2010.

/s/ Callie V. S. Granade

UNITED STATES DISTRICT JUDGE